

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13CV693

GARRY CARROLL,

Plaintiff,

vs.

CONTINENTAL AUTOMOTIVE, INC.,  
and PENSION PLAN FOR HOURLY-  
PAID EMPLOYEES OF CONTINENTAL  
AUTOMOTIVE, INC. AND CERTAIN  
AFFILIATE COMPANIES,

Defendants.

ORDER

This matter is before the Court upon the Memorandum and Recommendation of United States Magistrate Judge Dennis L. Howell, filed August 31, 2015. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum. Defendants timely filed an objection, and Plaintiff timely filed a response.

Defendants' objections merely reiterate the same arguments made to the magistrate judge. Nevertheless, the Court conducted a *de novo* review of the memorandum and recommendation, the Defendants' objections thereto, and the Plaintiff's responses to the objections. Based upon this *de novo* review, the Court concludes that the recommendation to grant to the Plaintiff's Motion for Summary Judgment and deny the Defendants' Motion for Summary Judgment is correct and in accordance with law. The magistrate's findings and analysis are thorough and well-reasoned and this Court will therefore adopt the findings and conclusions of the magistrate and affirm the memorandum and recommendation.

IT IS THEREFORE ORDERED that the Plaintiff's Motion for Summary Judgment is hereby GRANTED, and the Defendants' Motion for Summary Judgment is hereby DENIED.

Signed: January 27, 2016



Graham C. Mullen  
United States District Judge

